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10/617,477

07/11/2003

Steven Roy Lipscomb

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EXAMINER

COLLINS, DOLORES R

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/617,477  
Filing Date: July 11, 2003  
Appellant(s): LIPSCOMB ET AL.

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Darren M. Franklin  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 3/4/08 appealing from the Office action mailed 10/29/07.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

**US 2001/0030393 A1**

**Flannery**

**10-2001**

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 7 & 31-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flannery (393).

**Regarding claims 7, 31-32, 37-40**

Flannery teaches a table, an opaque tabletop, a dealer, a plurality of player positions, a translucent planar window with a light source (see figure 1 and [0023]. Flannery fails to teach that his light window extends around the game table. It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the light source anywhere desired or expedient on the table. Such would be considered a design issue and would present little or no difficulty to one of ordinary skill.

**Regarding claims 22, 33-34**

Examiner takes official notice that game tables are known to have rigid plates extending around them with pads covered by various choices of desired materials.

**Regarding claims 35-36**

Examiner takes official notice that windows made of glass; Plexiglas and various types of reflective material(s) are known in the art. The use of a milk-colored Plexiglas would be a matter of design choice and would present little or no difficulty to one of ordinary skill in the art.

Applicant's failure to traverse examiner's official notice is taken as an admission of prior art and therefore made final.

***Allowable Subject Matter***

Claims 9-10 are allowed.

***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are not considered persuasive. Applicant has amended independent claims to include the word continuously. This merely teaches that the light stays on all the time and is a function of the light source and its' intended use. Flannery's light is capable of being continuously lit. Flannery's light is continuously lit as claimed in a broad manner since it

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is not blinking intermittently. Applicant has presented all apparatus claims but has failed to demonstrate criticality of the light sources function of being continuously illuminated.

Further the limitation of continuous illumination appears to be new matter.

Further, applicant appears to be arguing that his arm rest extends directly adjacent to his light window but fails to claim such. Based on the broadest interpretation of applicant's claims the arm rest of Flannery surrounds the perimeter of his light source and this teaching certainly meets the limitations of applicant's claims.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Dolores R. Collins/

Examiner, Art Unit 3711

Conferees:

/Gene Kim/  
Supervisory Patent Examiner 3711

/XUAN M. THAI/  
Supervisory Patent Examiner, Art Unit 3714